

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JUDGE KEENAN

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ISTITHMAR WORLD PJSC,

Petitioner,

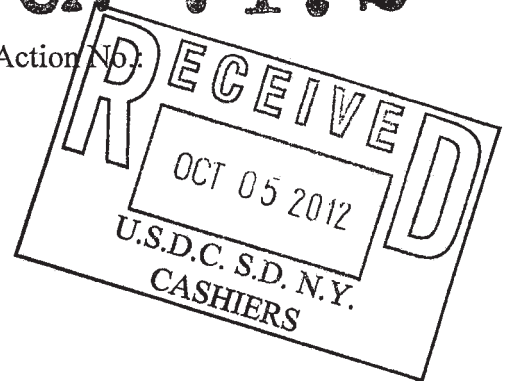
v.

JOHN F. AMATO and
FELIX P. HERLIHY,

Respondents.
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12 CIV 7472

Civil Action No.



PETITION TO CONFIRM ARBITRATION AWARD

1. This is a petition to confirm an arbitration award pursuant to Section 9 of the Federal Arbitration Act ("FAA"), 9 U.S.C. § 9.
2. Petitioner, Istithmar World PJSC ("Istithmar"), is a corporation organized under the laws of Dubai with its principal place of business in Dubai.
3. Respondents, John F. Amato ("Amato") and Felix P. Herlihy ("Herlihy"), are citizens of New York.
4. This Court has diversity jurisdiction under 28 U.S.C. § 1332, because this is an action between a citizen of a foreign state and citizens of a State in which the underlying arbitration involved a matter in controversy exceeding the sum or value of \$75,000 exclusive of interest and costs. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a)(2) and 9 U.S.C. § 9 because the parties designated a location within this District as the site for the arbitration hearing.

5. On or about September 11, 2006, Amato and Herlihy entered into employment agreements with Istithmar. The agreements provided for arbitration “in New York City in accordance with the National Rules for the Resolution of Employment Disputes of the American Arbitration Association then in effect.” A copy of the arbitration clause contained in Respondents’ employment agreements is attached as Exhibit A.

6. In July 2010, Amato and Herlihy commenced an arbitration against Istithmar before the AAA in New York, New York, asserting claims relating to their employment agreements.

7. In accordance with AAA rules and the parties’ agreement, Dana Freyer, Esq., a retired partner of Skadden, Arps, Slater, Meagher & Flom LLP, was duly appointed as the arbitrator to hear and determine the controversy submitted. A copy of the letter appointing Ms. Freyer as arbitrator is attached as Exhibit B.

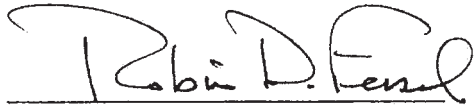
8. The arbitrator conducted the hearing on eleven days between August 1, 2011 and October 21, 2011, during which the parties appeared and presented their proofs. A total of 8 witnesses testified, and more than 450 exhibits were admitted into evidence. Closing arguments were held on January 18, 2012.

9. On March 15, 2012, the arbitrator issued a written award (“Award”), denying Amato’s and Herlihy’s claims in their entirety. A copy of the Award is attached as Exhibit C.

10. In Respondents’ employment agreements, the parties agreed that the Award “shall be final and binding on both parties, and any court of competent jurisdiction may enter judgment upon the [A]ward.” (*See* Exh. A.)

WHEREFORE, Petitioner requests that this Court enter an Order confirming the Award and directing that judgment be entered in favor of Petitioner.

Dated: New York, New York
October 4, 2012

By: 
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